

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

Choice Escrow and Land Title, LLC, )  
  )  
Plaintiff,                         )  
  )  
V.                                     ) Case No. 10-3531-CV-W-JTM  
  )  
BancorpSouth Bank,                 )  
  )  
Defendant.                         )

**ORDER**

On October 11, 2011, based upon an inaccurate assessment of the stipulation entered by the parties on October 7, 2011 [Doc. 34], the Court denied as moot BancorpSouth Bank's MOTION TO STRIKE PORTIONS OF PLAINTIFF'S SECOND AMENDED COMPLAINT, filed August 22, 2011[Doc. 25]. Subsequently, counsel for BancorpSouth Bank telephoned Court staff and advised that the parties' stipulation was not intended to address BancorpSouth Bank's motion to strike and that BancorpSouth Bank wished to continue to seek the relief sought in that motion.

In its motion, BancorpSouth Bank moves to strike Exhibit 13 and Allegation Nos. 40, 41, 42, 43, 44, 64, 65, 92, 93 and 99 of plaintiff's SECOND AMENDED COMPLAINT as either immaterial, impertinent, or scandalous under Fed. R. Civ. P. 12(f). After due consideration of the issues presented and a review of the challenged material, the Court does not find the exhibit nor the allegations to be so immaterial, impertinent, and/or scandalous as to justify striking them from the SECOND AMENDED COMPLAINT. Accordingly, it is

**ORDERED** that MOTION TO STRIKE PORTIONS OF PLAINTIFF'S SECOND AMENDED COMPLAINT, filed August 22, 2011[Doc. 25] is **DENIED** on its merits. It is further  
**ORDERED** that the parties shall file their proposed scheduling order on or before November 28, 2011.

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*/s/ John T. Maughmer*  
**JOHN T. MAUGHMER**  
**U. S. MAGISTRATE JUDGE**